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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/052,587	01/17/2002	William Brett Novosat	1-569	2982

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EXAMINER

DEL SOLE, JOSEPH S

ART UNIT

PAPER NUMBER

1722

DATE MAILED: 06/18/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.	10/052,587	Applicant(s)	NOVOSAT, WILLIAM BRETT
Examiner	Joseph S. Del Sole	Art Unit	1722

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

1) Responsive to communication(s) filed on \_\_\_\_\_.  
 2a) This action is FINAL.      2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

4) Claim(s) 1-22 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) 1-12 is/are allowed.  
 6) Claim(s) 13-22 is/are rejected.  
 7) Claim(s) \_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 17 January 2002 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 11) The proposed drawing correction filed on \_\_\_\_ is: a) approved b) disapproved by the Examiner.  
 If approved, corrected drawings are required in reply to this Office action.  
 12) The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
 \* See the attached detailed Office action for a list of the certified copies not received.  
 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
 a) The translation of the foreign language provisional application has been received.  
 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.  
 4) Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement filed 2/11/02 complies with the provisions of 37 CFR 1.97, 1.98 and MPEP 609. It has been placed in the application file and the information referred to therein has been considered as to its merits.

### ***Claim Objections***

2. Claim 21 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Establishing the method by which a cut surface is cut, in this case "laser-cut", does not change the structure of the apparatus (in either case the end surface is a cut surface) and therefore does not further limit the parent claim.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 13, 16 and 18-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Rosen (4,009,981).

Rosen teaches a pressure box (Fig 3) having a top plate (Fig 1), side and end plates (Fig 3, #80 and #97) extending downwardly below the top plate, the top plate and

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the side and end plates defining a pressure chamber open at the bottom of the pressure box (Fig 1) and a resilient circumferential seal on the bottom of the pressure box (Fig 3, including the surfaces of #80 and #97); the seal extending around the pressure chamber to form a seal; at least one of the said plates has a first and second plate members (Fig 1, #93), each plate member having a wall, the walls of the plate members facing each other and defining an essentially uniform width slot open at the lower end of such plate (Fig 1), the slot extending along the length of such plate (Fig 3); a resilient sealing member in the slot (Fig 3, #97), the sealing member extending downwardly below the lower end of such plate to an end surface below the lower end of such plate, the end surface forming a portion of the seal (Fig 3); a first connection (Fig 1, #91) detachably holding the first and second plate members together (Fig 1, #93), whereby the plate members can be separated (col 4, lines 20-30); the sealing member is a sheet strip of elastomeric material (col 4, lines 28-44); the end surface is disposed to about 0.020 inches below the lower end of such plate (Fig 1); the sealing member comprises a pair of flat, outer sides facing the walls of the slot and the end surface is substantially perpendicular to the sides of the sealing member (Fig 6); the end surface of the sealing member is a cut surface; and at least a portion of the end surface of the sealing member has a three-dimensional shape to conform with a three dimensional shape of a mold (Fig 1).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rosen

(4,009,981) in view of Stofko (4,504,205).

Rosen teaches the apparatus as discussed above.

Rosen fails to explicitly teach or suggest the elastomeric material being silicone rubber.

Stofko teaches a circumferential seal (Fig 1, #22) of a pressing and thermoforming apparatus (Fig 1) being silicone rubber for the purpose of preventing the escape of steam (col 4, lines 37-54).

It would have been obvious to one having ordinary skill in the art at the time of the Applicant's invention to have modified the seal of the invention of Rosen with the seal being formed of silicone rubber as taught by Stofko because preventing the release of steam lowers the loss of heat, thereby being more energy and cost efficient.

#### ***Allowable Subject Matter***

8. Claims 1-12 are allowed.

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9. The following is a statement of reasons for the indication of allowable subject matter: the prior art of record fails to teach or suggest a pressure box having a resilient seal connected within a slot between a pair of walls of a side or end plate, the connection comprising members extending from one or both of the walls into the slot and extending through holes in the sealing member to engage the sealing member and resist movement of the sealing member out of the slot.

***References of Interest***

10. Murley et al (4,536,148) and Kokubo (JP404282224A) are cited of interest to show the state of the art.

***Correspondence***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph S. Del Sole whose telephone number is (703) 308-6295. The examiner can normally be reached on Monday through Friday from 8:30 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Wanda Walker, can be reached at (703) 308-0457. The official fax phone number for the organization where this application or proceeding is assigned is (703) 872-9310 for non-after finals and (703) 872-9311 for after finals.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

*Joseph S. Del Sole*  
J.S.D.  
June 12, 2003



ROBERT DAVIS  
PRIMARY EXAMINER  
GROUP 1300/1700

*6/13/03*